

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

Document #

11

David Robinson

USCA NO. _____

SDNY NO. 07cv2890

JUDGE: GEL

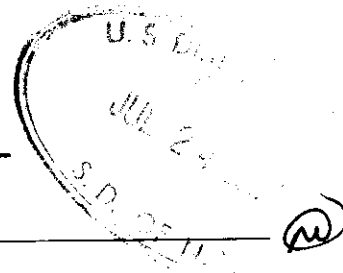
DATE: 7/23/ 2007

-v-

L. Sears

INDEX TO THE RECORD ON APPEAL

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FIRM APPEALS SECTION
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DISTRICT COURT DOCKET ENTRIES -----

DOCUMENTS

DOC#

Clerk's Certificate

See Attached List of Numbered Documents

Only Circled Documents Included

(☒) Original Record

(☐) Supplemental Record

The record in the above entitled case was indexed to the U.S.C.A
for the Second Circuit on the 23rd Day of July, 2007.

**United States District Court for
the Southern District of New York**

David Robinson

-v-

L. Sears

Date: 7/23 / 2007

U.S.C.A. # _____

U.S.D.C. # 07cv2890

D.C. JUDGE GEL

Clerk's Certificate

I, J. Michael McMahon, Clerk of the Court of the United States District Court for the Southern District of New York, do hereby certify that the certified copy of the docket entries and the original filed papers numbered 1 Through 10, inclusive, constitutes the Original record on appeal in the above entitled proceedings except for the following missing documents:

Date Filed

Document Description

In Testimony Whereof, I have caused the seal of said Court to be hereunto affixed, at the City of New York, this 23rd Day of July In this year of our Lord, Two Thousand and Seven, and the Independence of the United States this 232nd year.

J. Michael McMahon, Clerk

By 
Deputy Clerk

APPEAL, HABEAS, REOPEN

U.S. District Court
United States District Court for the Southern District of New York (Foley Square)
CIVIL DOCKET FOR CASE #: 1:07-cv-02890-GEL
Internal Use Only

Robinson v. Sears
Assigned to: Judge Gerard E. Lynch
Cause: 28:2254 Ptn for Writ of H/C - Stay of Execution

Date Filed: 04/11/2007
Jury Demand: None
Nature of Suit: 530 Habeas Corpus (General)
Jurisdiction: Federal Question

Date Filed	#	Docket Text
04/11/2007	<u>1</u>	DECLARATION IN SUPPORT OF REQUEST TO PROCEED IN FORMA PAUPERIS. Document filed by David Robinson.(jeh) (Entered: 04/16/2007)
04/11/2007	<u>2</u>	PETITION FOR WRIT OF HABEAS CORPUS pursuant to 28 U.S.C. 2254. Document filed by David Robinson.(jeh) (Entered: 04/16/2007)
04/11/2007		Magistrate Judge Andrew J. Peck is so designated. (jeh) (Entered: 04/16/2007)
04/11/2007	<u>3</u>	MEMORANDUM OF LAW in Support re: [2] Petition for Writ of Habeas Corpus. Document filed by David Robinson. (jeh) (Entered: 04/16/2007)
04/11/2007	<u>4</u>	ORDER OF DISMISSAL. Accordingly, the petition for writ of habeas corpus pursuant to 28 U.S.C. 2254 is dismissed without prejudice for failure to fully exhaust his state court remedies. Petitioner may file a new petition once all state remedies have been exhausted. A certificate of appealability will not issue. The Court certifies pursuant to 28 U.S.C. 1915(a) that any appeal from this order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 04/11/2007) (jeh) (Entered: 04/16/2007)
04/11/2007	<u>5</u>	JUDGMENT. Ordered, Adjudged and Decreed: That the petition is hereby dismissed. A certificate of appealability will not issue. I certify pursuant to 28 U.S.C. 1915(a) that any appeal from the Court's order would not be taken in good faith. (Signed by Judge Kimba M. Wood on 04/11/2007) (jeh) (Entered: 04/16/2007)
05/07/2007	<u>6</u>	MOTION for an order to Vacate [4] Order Dismissing Petition,. Document filed by David Robinson.(jpo) (Entered: 05/10/2007)
05/09/2007	<u>9</u>	NOTICE OF APPEAL from [5] Judgment - Sua Sponte (Petition). Document filed by David Robinson. (tp) (Entered: 07/23/2007)
05/09/2007		Appeal Remark as to [9] Notice of Appeal filed by David Robinson. \$455.00 APPEAL FEE DUE. IFP REVOKED 4/11/07. COA DENIED 4/11/07. (tp) (Entered: 07/23/2007)
06/19/2007	<u>7</u>	ORDER petitioner, appearing pro se, brings the instant Motion Reconsideration and Order to Show Cause and Temporary Restraining Order. Petitioner's Motions for Reconsideration is hereby GRANTED. Petitioner's Order to Show Cause and Temporary Restraining Order is DENIED without prejudice with leave to renew at a later date. The Court's judgment dated April 11, 2007 is hereby vacated. The entry closing the case as of April 11, 2007 is also hereby vacated and the Clerk of the Court is hereby directed to reopen the case. It is hereby ordered that this case be reassigned to a district court judge as provided by the Rules Governing the Division of Business Among Judges. No answer will be required from the respondent unless ordered by the Judge reassigned to this case. As petitioner has not made a substantial showing of the denial of a constitutional right, a certificate of appealability will not issue. I certify pursuant to 28 U.S.C. 1915(a)(3) that any appeal from this Order would not be taken in good faith. SO ORDERED. (Signed by Judge Deborah A. Batts on 6/19/2007) (jmi) (Entered: 06/21/2007)
07/09/2007	<u>10</u>	AMENDED NOTICE OF APPEAL from [7] Order. Document filed by David Robinson. (tp) Modified on 7/23/2007 (tp). (Entered: 07/23/2007)
07/09/2007		Appeal Remark as to [10] Notice of Interlocutory Appeal filed by David Robinson. \$455.00 APPEAL FEE DUE. IFP REVOKED 6/19/07. COA DENIED 6/19/07. (tp) (Entered: 07/23/2007)
07/11/2007	<u>8</u>	NOTICE OF CASE REASSIGNMENT to Judge Gerard E. Lynch. Judge Kimba M. Wood is no longer assigned to the case. (js) (Entered: 07/17/2007)
07/11/2007		Mailed notice to the attorney(s) of record. (js) (Entered: 07/17/2007)
07/23/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: [9] Notice of Appeal. (tp) (Entered: 07/23/2007)
07/23/2007		Transmission of Notice of Appeal to the District Judge re: [9] Notice of Appeal. (tp) (Entered: 07/23/2007)
07/23/2007		Transmission of Notice of Appeal and Certified Copy of Docket Sheet to US Court of Appeals re: [10] Notice of Interlocutory Appeal. (tp) (Entered: 07/23/2007)
07/23/2007		Transmission of Notice of Appeal to the District Judge re: [10] Notice of Interlocutory Appeal. (tp) (Entered: 07/23/2007)